

NEBRASKA STATE BOARD OF HEALTH MEETING

MINUTES – January 24, 2011

ATTENDANCE NOTIFICATION. A regular meeting of the State Board of Health was called to order by the Chair, Gary Westerman, DDS, at 11:30 AM with a recess for lunch at 12:00 PM and called back to order at 1:00 PM on January 24, 2011 at the Nebraska Bar Foundation in Lincoln. Copies of the agenda were mailed to board members, news media, and other interested parties prior to the meeting. The meeting was advertised on the Department of Health and Human Services website. Committee meetings were held at the same location from 8:30 am to 11:00 am. The following members were present: Daniel Bizzell, EdD; Janet Coleman; Edward Discoe, MD; Russell Hopp, DO; Diane Jackson, APRN; Ken Kester, Pharm D, JD Dale Michels, MD; Debra Parsow; Roger Reamer, MBA; Rich Robinson, PE; Luisa Rounds, RN; Paul Salansky, OD; Wayne Stuber, PhD, PT; John Tennity, DPM; Gary Westerman, DDS; and Daryl Wills, DC.

Members not in attendance: Ted Evans, DVM

Staff attending: Ron Briel, Monica Gissler, David Montgomery, Anne Owens, Kay Pinkley

APPROVAL OF ANNUAL REPORT. The Board of Health annual report for 2010 was discussed. Copies will be sent to Governor Heineman, Lt Governor Sheehy, members of the HHS Legislative Committee, professional board chairs, local health directors, health care professional associations, key HHS staff, and other interested parties. Ms. Coleman made a motion to approve the annual report; Dr. Michels seconded. Call for vote on motion - voting yes: 16 (Bizzell, Coleman, Discoe, Hopp, Jackson, Kester, Michels, Parsow, Reamer, Robinson, Rounds, Salansky, Stuber, Tennity, Westerman, Wills); voting no: 0; not voting: 0. Motion carried, and report approved.

LEGISLATIVE DISCUSSION. Dr. Hopp, Chair of the Public Health, Education and Legislation Committee, listed bills of interest to his committee, as determined during a committee conference call held on January 21, 2011, and committee discussion held the morning of January 24th. Conference call participants included Dr. Hopp, Mr. Reamer, Dr. Kester, and staff Monica Gissler.

The HHS Committee hearing for LB222, Change scope of practice considerations under the Nebraska Regulation of Health Professions Act, was held on January 21st. Dr. Westerman sent a letter on January 20, 2011 to Senator Campbell, recommending that the bill be held over pending resolution of the pending LR517 interim study efforts. Dr. Hopp made a committee motion to ratify the action taken by the Board of Health Executive Committee regarding LB222: Voting yes: 16 (Bizzell, Coleman, Discoe, Hopp, Jackson, Kester, Michels, Parsow, Reamer, Robinson, Rounds, Salansky, Stuber, Tennity, Westerman, Wills); voting no: 0; not voting: 0. Motion carried (a supermajority of 12 was needed to pass this motion).

Dr. Hopp explained the three categories that the Board of Health places legislative bill in: Category 1: Take action on; 2: Monitor and take possible action on, and 3: monitor.

The PHEL Committee proposed these positions on introduced legislation:

Support: LB 19 Prohibit certain drugs; LB 67 seat belts; LB 274 return of dispensed drugs; and LB 436 tobacco tax.

Oppose: LB 36 fluoride in drinking water; LB 52 motorcycle helmets; LB 68 certified nurse midwives clinical privileges; LB 180 Veterinary Board appointment; and LB 330 Dental Hygienists clinical experience.

Oppose with recommendation regarding 407 positions or history: LB 316 Optometry; LB 581 Certified Nurse Midwives home birthing; and LB 630 Applied Behavior Analysts.

CATEGORY 1 BILLS:

52	Krist	Change motorcycle helmet provisions and require eye protection
67	Fischer	Clarify required use and enforcement provisions re seat belts and other occupant protection systems.
68	Fulton	Permit certified nurse midwives to have clinical privileges. 2
222	Gloor	Change scope of practice considerations under the Nebraska Regulation of Health Professions Act
581	Haar	Change provisions regarding certified nurse midwives.
630	McGill	Adopt the Applied Behavior Analysis Practice Act

After discussion, Dr. Westerman asked if anyone wanted to separate out any bills to vote on. There were none. Dr. Hopp made a committee motion to reaffirm these Category 1 bills of interest to the Board of Health, seconded by Dr. Michels: Voting yes: 16 (Bizzell, Coleman, Discoe, Hopp, Jackson, Kester, Michels, Parsow, Reamer, Robinson, Rounds, Salansky, Stuberg, Tennity, Westerman, Wills); voting no: 0; not voting: 0. Motion carried (a supermajority of 12 was needed to pass this motion).

Dr. Hopp did not list LB 436 in his motion, so he made a separate motion to support LB 436 regarding taxation on tobacco and tobacco products, as a public health measure. Voting yes: 16 (Bizzell, Coleman, Discoe, Hopp, Jackson, Kester, Michels, Parsow, Reamer, Robinson, Rounds, Salansky, Stuberg, Tennity, Westerman, Wills); voting no: 0; not voting: 0. Motion carried (a supermajority of 12 was needed to pass this motion). Marla Augustine explained that there is a Facebook page on this, and the Board of Health discussed setting up their own Facebook account. Dr. Discoe made a motion to allow Jeff Soukup to post their letter on LB436 as he sees appropriate. All in favor via voice vote.

Board of Health support means providing testimony or sending a letter stating any concerns. For each of the support and opposition bills listed above, the Board will send a letter and/or testify.

RECESS. The Board of Health recessed at 12:00 PM for lunch. Motion made by Dr. Michels; seconded by Dr. Bizzell. All in favor by voice vote.

Dr. Westerman called the meeting back to order at 1:00 PM. The following members were in

attendance: Daniel Bizzell, EdD; Janet Coleman; Edward Discoe, MD; Russell Hopp, DO; Diane Jackson, APRN; Ken Kester, Pharm D, JD; Dale Michels, MD; Debra Parsow; Roger Reamer, MBA; Rich Robinson, PE; Luisa Rounds, RN; Paul Salansky, OD; Wayne Stuberger, PhD, PT; John Tennity, DPM; Gary Westerman, DDS; and Daryl Wills, DC.

APPROVAL OF AGENDA. There being no objections to the agenda for the January 24, 2011 meeting, the agenda was approved by consent calendar.

APPROVAL OF MINUTES. The minutes from November 15, 2010 were approved by consent calendar.

CHAIRPERSON'S REPORT. Dr. Westerman reported on the following:

1. Dr. Westerman asked if any Board members have attended any professional board meetings that they would like to report on.
 - Ms. Jackson attended the December 9th Board of Nursing meeting.
 - Ms. Coleman attended the December 17th Board of Massage Therapy meeting. She reported that the new member appointed in November is excellent.
 - Dr. Westerman presented at the New Professional Board Member Orientation on December 6th.

There is a current 2010/11 Professional Board Meeting Schedule on the handout table. It is important that you let Monica know in advance when you plan to attend a meeting, and if you plan to attend the entire meeting or just a portion. If the meeting includes a working, a lunch will not be ordered for you, unless specific arrangements are made.

2. Effective January 1, 2011, the standard mileage reimbursement rate for business miles driven is 51 cents, increased from the previous rate of 50 cents.
3. Congratulations to Dr. Wills on being named the 2010 Citizen of the Year for Gering!
4. Today we hosted state senators for our annual Legislative Luncheon. If you have not already done so, please remember to pay Monica.

NURSING HOME ADMINISTRATORS PREP: Mr. Reamer reported that they have not had a recent meeting for this periodic review, but it is still in process. Mr. Montgomery added that they have lost a staff person, which is delaying things a bit.

LEGISLATIVE UPDATE. Bryson Bartels, HHS Communications, was unable to attend, but provided a written update. The Legislative Session started January 5th and runs through June 8th. Mr. Bartels reviewed legislation having an impact on Health and Human Services, and answered questions.

For more information, call Bryson at 402/471-0541 or email at bryson.bartels@nebraska.gov

COMMITTEE REPORTS.

Credentialing Review (407) Committee – Ms. Coleman, Committee Chair, presented.

Approval of the Board of Health report on the Genetic Counselors Credentialing Review as a whole. Bronson Riley, a genetic counselor representing the applicant group, was in attendance and offered to answer any questions about the proposal and the review. Dr. Hopp asked about the national examination for accreditation. Dr. Westerman asked if anyone wants to separate out the four criteria for voting, or to take the Committee Report as a whole. Ms. Coleman made a committee motion to reaffirm the Committee Report with the ancillary recommendations: Voting yes: 16 (Bizzell, Coleman, Discoe, Hopp, Jackson, Kester, Michels, Parsow, Reamer, Robinson, Rounds, Salansky, Stuberg, Tennity, Westerman, Wills); voting no: 0; not voting: 0. Motion carried. Dr. Salansky thanked Dr. Tennity for a job well done chairing this review.

Ms. Coleman made a Committee motion to appoint one new member to the Credentialing Review Public Member Pool: Bill Snyder of Scottsbluff. He previously served on the Rural Health Advisory Commission. His wife is a physician, so he is not eligible to serve on a professional board. Voting yes: 16 (Bizzell, Coleman, Discoe, Hopp, Jackson, Kester, Michels, Parsow, Reamer, Robinson, Rounds, Salansky, Stuberg, Tennity, Westerman, Wills); voting no: 0; not voting: 0. Motion carried.

Rules and Regulations Committee – Dr. Kester, Committee Chair, reported on the following:

APPROVE THE FOLLOWING REGULATIONS:

- 172 NAC 162, Licensure of Respiratory Care (Staff: Diane Hansmeyer). The proposed amendments are to implement provisions of the Uniform Credentialing Act. The public hearing was held on November 18, 2010. Voting yes: 16 (Bizzell, Coleman, Discoe, Hopp, Jackson, Kester, Michels, Parsow, Reamer, Robinson, Rounds, Salansky, Stuberg, Tennity, Westerman, Wills); voting no: 0; not voting: 0. Motion carried.

REVIEW THE FOLLOWING REGULATIONS:

- 185 NAC 1-7 and 8-11, Statewide Trauma System (Staff: Sherri Wren and Lei Zhang). The public hearing is scheduled for February 3, 2011.
- 175 NAC 3, Licensure of Centers for Persons with Developmental Disabilities (CDDs) (Staff: Sheryl Mitchell). The public hearing is scheduled for February 3, 2011. These regulations are being revised to implement the Health Care Facility Licensure Act.

Dr. Kester made a motion to acknowledge review of these two sets of regulations, seconded by Dr. Hopp. All in agreement by voice vote.

Professional Boards Committee. Dr. Tennity, Committee Chair, reported the following:

1. Reviewed 2011 appointment schedule, and scheduled 2011 professional board interview dates. There are approximately 50 scheduled vacancies for the fall of 2011. October 16 was selected as a Sunday to conduct interviews in Lincoln. The Board of Health has tentatively been invited to meet in Omaha on September 19th, and if approved, professional board interviews will be held there on September 18th.
2. Potential changes to application process or interview procedure. There were no proposed changes to the current application forms. It was proposed that incumbents be required to submit their application for reappointment or their statement of intent to seek reappointment by June 1st. All incumbent applications and supporting documents will be due by July 1st in order to allow sufficient time to receive Section Administrator and peer review evaluations. If an incumbent does not submit their application for reappointment by July 1st, they will not receive any preferential treatment for reappointment. Professional association nominees are due by July 1st as well. New applications are due by August 1st, and staff will not be allowed to accept late documents without approval of the Board of Health or Professional Boards Committee chair.
3. Meetings with Professional Board Chairs: For June, we will invite the chair of the following boards: Medicine and Surgery; Mental Health Practice; and Nursing.

Public Health, Education and Legislation Committee: Dr. Hopp, Committee Chair, continued his report on the legislative bills discussed earlier in the day. There was discussion on the appropriate for the Board of Health to take a position on a legislative bill, and about how a Board of Health may testify or take an active role with a bill when they are not representing the Board of Health. Members must be clear with the position they are representing.

Dr. Hopp was pleased with the luncheon earlier today. We appreciate the attendance by the senators and their representatives at our legislative luncheon today, and the DHHS administrators.

UNFINISHED BUSINESS. Sharon Colling from the Board of Nursing Home Administrators did not attend.

NEW BUSINESS.

- Public comments: None.
- Concerns regarding the overuse of fluoride. Dr. Westerman discussed the issue of fluoride in drinking water. The Centers for Disease Control declared this to be one of the ten greatest public health achievements of the 20th century. HHS and the EPA have jointly recommended that the water fluoridation level be adjusted from 1 ppm (.7 to 1.2 ppm) to .7 ppm per liter of water. The concern is for fluorosis. Dr. Westerman said this is a minimal concern. The biggest concern is for kids who swallow and consume fluoridated toothpaste.

PREPARATION FOR NEXT MEETING. The next regular Board of Health meeting will be March 21, 2011 at 1:00 p.m. in conference room 1-Z of the Nebraska State Office Building in Lincoln.

ADJOURN. There being no further business, the meeting adjourned at 2:13 PM. Minutes taken were taken by Monica Gissler.

NOTE: If you would like to receive these minutes electronically instead of receiving a hard copy, please send a request to the email address below. Please also inform staff if you would like to be removed from this distribution list altogether.

If you would like any attachments mentioned in these minutes, or have other questions, please contact Monica Gissler, 402/471-6515, Fax 402/471-0383, or email at: monica.gissler@nebraska.gov.

2/22/11, mcg